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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,027	09/17/2003	David P. Durkin	200304161-2	7933

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/666,027

Applicant(s)

DURKIN, DAVID P.

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 7-10, 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Casewell et al. (US PAT: 5,546,448, hereinafter Casewell) in view of Kwok et al. (US PAT: 6,167,123, filed 9-20-1996, hereinafter Kwok).

Regarding claim 1, Casewell discloses a method of communications in a system, comprising: storing permission data relating to security for the system (col. 5 lines 1-8; fig. 4), receiving a request to establish a telephony call, in response to request, establishing the telephony call, after establishing the telephony call and determining based on the permission data relating to the security for the system, whether the telephone call is permitted (fig. 13, col. 9, line 66 – col. 10, line 36).

Casewell differs from claims 1-5 in that although he teaches accessing the permission data for indicating telephony calls that are permitted and not permitted based on security requirements of the system (col. 5 lines 1-8 and fig. 13); he does not specifically teach the following: detecting that indication indicates: data call, a voice call, fax call and permission indicating types of telephony calls.

However, Kwok discloses one number voice fax data pbx call discrimination which teaches the following: detecting that indication indicates: data call, a voice call, fax call and types of telephony calls (abstract).

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Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Casewell's system to provide for the following: detecting that indication indicates: data call, a voice call, fax call and permission indicating types of telephony calls as this arrangement would facilitate to distinguish different types of calls so that call screening can be provided for different types of telephone calls.

Casewell differs from claims 6-8 in that he does not teach the following: detecting for indication comprises a modem detecting for: a tone, at least one of an FSK tone, CNG tone, fax answer tone, and fax training tone, indicating a voice call in response to the modem not detecting any of the FSK tone, CNG tone, etc.

However, Kwok teaches call identifier (30, fig. 1) which includes circuits for detecting an audible tone associated with fax and modem transmissions, and the type of tone identifies whether the call is a fax transmission or a data transmission and if no tone is detected, the call identifier (30) assumes that call is a voice call (col. 3 lines 1-6).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Casewell's system to provide for the following: detecting for indication comprises a modem detecting for: a tone, at least one of an FSK tone, CNG tone, fax answer tone, and fax training tone, indicating a voice call in response to the modem not detecting any of the FSK tone, CNG tone, etc. as this arrangement would facilitate to distinguish different types of calls so that call screening can be provided for different types of telephone calls.

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Regarding claims 9-11, Casewell further teaches the following: disconnecting the telephony call in response to determining that the telephony call is not permitted, permission data comprises storing the permission data in a memory of the system, wherein receiving, establishing, detecting and determining are performed by the system, setting the permission data through a telephony application programming interface (col. 5 lines 1-19 and fig. 13).

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casewell in view of Kwok as applied to claim 1 above, and further in view of Wise et al. (US PAT: 5,884,262, filed 3-28-1996, hereinafter Wise).

The combination differs from claim 12 in that he does not specifically teach the following: storing, receiving, establishing, detecting, and determining acts are part of a firewall feature.

However, Wise discloses computer network audio access and conversion system which teaches the following: storing, receiving, establishing, detecting, and determining acts are part of a firewall feature (col. 9 lines 27-37).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: storing, receiving, establishing, detecting, and determining acts are part of a firewall feature as this arrangement would provide one of the methods, among many possible methods, for protecting access to valuable resources as taught by Wise.

Claim 13 is rejected on the same basis as claim 1.

Claim 14 is rejected on the same basis as claim 9.

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Claims 15-17 are rejected on the same basis as claims 6-8.

Regarding claims 18-19, Casewell teaches the following: control element in (420, fig. 4) comprises software code and a processor (420, fig. 4) on which software is executable, control element comprises firmware and a modem (110, fig. 4) on which firmware is executable (col. 5 lines 1-19).

Claim 20 is rejected on the same basis as claim 12.

Claim 21 is rejected on the same basis as claim 1.

Claim 22 is rejected on the same basis as claims 6-8.

Claim 23 is rejected on the same basis as claim 12.

Claim 24 is rejected on the same basis as claims 1 and 5.

Claim 25 is rejected on the same basis as claims 1 and 5.

### ***Response to Arguments***


4. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit ~~2643~~ 2614